

Serial No.: 10/811,205

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

There is no additional fee for this Amendment because the total number of claims and the total number of independent claims remain unchanged.

Request for Telephone Interview

Applicant kindly requests the Examiner to contact the undersigned, to schedule a telephone interview to discuss the merits of this Patent Application.

Amendment to Specification

Applicant has amended the Specification by restating the first sentence of the Abstract of the Disclosure, as suggested by the Examiner. This Amendment adds no new matter to this Patent Application.

Amendment to Drawings

Applicant has amended the Drawings to clarify the elements and eliminate dark areas, for example of Figs. 1 and 2. The Amendment to the Drawings adds no new matter to this Patent Application.

Amendment to Claims

Applicant has amended each of Claims 1, 9, 15 and 21 to require the outer edge of each outer gemstone to freely extend between prongs. This Amendment is fully supported in the Specification at Page 7, line 8 through Page 8, line 3, and as shown in Figs. 7-10, for example.

Applicant has amended each of Claims 3, 12, 19 and 24 to require a negative space between the gemstones. This Amendment is fully supported in the Specification at Page 8, lines 10-13 and as shown in Figs. 8-13, for example.

The above Amendment to the Claims adds no new matter to this Patent Application.

Objection to Drawings

The Examiner has requested better quality drawings to show more detail and to reduce dark and shaded areas, particularly in Fig. 1. Applicant has enclosed Replacement Sheets for Figs. 1-18, with reduced dark areas in Figs. 1 and 2. Applicant believes that the Replacement Sheets overcome the objection to the Drawings.

Objection to Specification

Applicant has amended the Specification to address each of the issues raised by the Examiner. Applicant believes that the above Amendment to the Specification overcomes the objection to the Specification.

Claims Rejections - 35 U.S.C. §102

Claims 1-4, 6, 9, 10 and 12-14 have been rejected under 35 U.S.C. §102(b), as being anticipated by Fishel, U.S. Patent 884,979. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Applicant's claimed invention specifically requires an exposed and unbound outer edge which is opposite both the shared prong and the respective inner edge to freely extend between two prongs or a pair of prongs. Because the exposed and unbound outer edge must be opposite the shared prong, the exposed and unbound outer edge must extend between the two prongs. The corresponding prongs taught by the Fishel Patent are configured so that a corresponding exposed and unbound outer edge does not extend freely between the two prongs. For this reason, Applicant believes that the above Amendment overcomes the rejection of Claims 1-4, 6, 9, 10 and 12-14 under 35 U.S.C. §102(b).

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Furthermore, Applicant has amended Claim 3 and Claim 12 to require the gemstones to form a negative space between the gemstones. The Fishel Patent neither teaches nor even suggests a negative space between gemstones.

Claims 15-24 have been rejected under 35 U.S.C. §102(b), as being anticipated by Vivat, U.S. Patent 5,520,017. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Applicant's claimed invention specifically requires an exposed and unbound outer edge to freely extend between the two prongs. Also, Applicant's claimed invention specifically requires a shared prong which the Vivat Patent does not teach or even suggest. Furthermore, Applicant has amended Claims 19 and 24 to require the array to form a negative space between the gemstones. The Vivat Patent does not teach a negative space between the gemstones.

For these reasons, Applicant believes that the above Amendment and remarks overcome the rejection of Claims 15-24 under 35 U.S.C. §102(b).

Claims Rejection - 35 U.S.C. §103

Claims 5, 7, 8 and 11 have been rejected under 35 U.S.C. §103(a), as being unpatentable over the Fishel Patent. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks. Each of

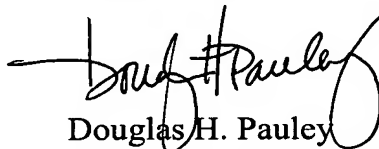
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Claims 5, 7, 8 and 11 ultimately depend upon and further limit independent Claim 1. For the same reasons as discussed above, Applicant has pointed out why the Fishel Patent fails to teach independent Claim 1. For at least these reasons, Applicant believes that the above Amendment and remarks overcome the rejection of Claims 5, 7, 8 and 11 under 35 U.S.C. §103(a).

Conclusion

Applicant believes that the above Amendment and remarks address each and every issue raised by the Examiner and overcome each and every objection and rejection. However, should the Examiner detect any remaining issue, Applicant kindly requests the Examiner to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug H. Pauley", written over a horizontal line.

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